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A STATEMENT

OF THE LATE

PROCEEDINGS

OF THE

LORD BISHOP OF CHICHESTER

AGAINST THE

WARDEN OF SACKVILLE COLLEGE,

EAST GRINSTED.

(NOT PUBLISHED.)

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A STATEMENT.

SACKVILLE COLLEGE, in the town of East Grinstead, was founded by Robert Sackville, second Earl of Dorset, by his will, bearing date February 8, 1609:—and is mentioned by Dr. Willet, in his *Synopsis Papismi*, as one of the most liberal foundations which have had their origin in the Reformed Church of England.

A Charter was granted by King Charles I., in the year 1631: a Corporate seal was given to the College: and the Statutes, drawn up after the death of the Founder by Lord William Howard and Sir George Rivers, were confirmed and authorised by Act of Parliament.

It consists of a Warden, six brethren and sisters, and two Assistant Wardens: (the latter, householders, resident in or near the town.) Besides these, six poor widows are accommodated with rooms in the College, but derive no further advantage from it.

On the 26th of May, 1846, the Earl and Countess De La Warr (joint representatives of the Founder with the Earl and Countess Amherst,) being anxious better to provide for the spiritual as well as the temporal welfare of the inmates of the College, appointed the Rev. J. M. Neale, M.A., to the office of Warden,

that post having once before been filled by a person in Holy Orders.

But the arrangements of the Chapel would seem to indicate that it was intended for the ministrations of a Priest: there had been an altar;—the chancel was divided from the nave by a roodscreen, bearing date 1619:—and there were stalls within this screen, while the seats for the poor people were without. It seems probable that, when the Earl of Dorset was staying in the College, his Chaplain read prayers, and administered the holy Communion; while, at other times, the Warden read prayers to the Collegians morning and evening. It is also not unlikely, from a bench pinned into the east wall, and only removed by the present Warden, that the—so called—Communion was administered in the Chapel after the form of the Directory.

It had also been generally understood that the College, from its very nature, was exempt from episcopal jurisdiction. Half of the north side of the quadrangle was appropriated to the reception of the Earls of Dorset on their way from their seat at Buckhurst to London;—and the portion so designed is to this day known by the name of the *Dorset Lodgings*. In the same manner, two halls were erected in the building:—one for the use of the brethren and sisters;—the other for that of the Earls, on their occasional visits. It was, therefore, to be presumed that the Warden, if in Orders, became *ipso facto* a kind of Chaplain to the Patrons,—and, as such, was entitled to officiate, in the College Chapel, without episcopal licence.

Again, the privacy of the institution, both as regards its outward construction, and its internal con-

stitution, had always led to the same conclusion. It might also be added that it has been customary to use a prayer in the Chapel Service for the Patrons of the College and their family—a thing inadmissible in a public service. The fact of the Warden being in Holy Orders, did not seem to affect the question; for if the Service in the Chapel were public in the case of a Clergyman, it were so also in the case of a layman, and both were illegal; and to assert that a Service was *public* in a *private* Chapel, (for such it must be considered, as orders had been given that the College should be closed during Service,) were a manifest contradiction.

The present Warden, on coming into residence, turned his attention to the best means of rendering the charity as effective as possible both to the temporal and spiritual welfare of those with whom he was connected.

The first of these objects he endeavoured to promote in many ways, which—although well known in the town and neighbourhood of East Grinstead, and to others ready and anxious to bear testimony to the facts,—may, for obvious reasons, be omitted in this narrative.

With regard to the spiritual welfare of the inmates of the College, the Founder had thus ordered:—

Statute 6. “Item: that the said Warden shall carefully see the said brethren and sisters morning and evening to meet at a certain due hour in the Chappell: there to pray, serve, honour, and praise Almighty GOD, according to the true intent and meaning of the said Robert late Earle of Dorsett, expressed and mentioned in his last will and testament; and the said service and prayers there to be made by the said Warden for the time, or such of his brethren as he shall thereunto appoint.”

This statute, which, be it remembered, *was confirmed by Act of Parliament, and, therefore, has itself the authority of an Act*, was, it appears, obeyed till the late Warden, through ill health and infirmity, contented himself with reading prayers twice a week,—on Tuesday and Thursday mornings.

The present Warden, on his appointment, commenced the Services in the following manner. On common days, morning prayers at 9 a.m., evening prayers at 6 p.m. On Wednesdays and Fridays, the Litany, additionally, by itself at 11 a.m.

On Sundays, the holy Communion was administered in the Chapel at half-past nine, a.m. :—the Warden and Collegians attended morning prayers in the parish church at 11 ;—and after prayers at 6 p.m. in the Chapel, the Warden preached. But, on the first Sunday in the month, when the holy Communion was administered in the parish church, it was not celebrated in the Chapel.

On other holy days, besides morning prayers at 9 a.m., and evening prayers at 6 p.m., the holy Communion was administered by itself at 11 a.m. The Warden also frequently preached after evening prayers,—either on the eve of a holy day—or Saturday evening—or when a death in the College or other important event had occurred.

In order that these Services might be carried out, it was necessary that the Chapel should be restored ;—as from damp and disuse it was in a thoroughly dilapidated state. This the Warden did, to some extent, at an expense of about £100 ;—and, also, at his own expense, provided lights and a fire during the time of Divine Service in winter.

The Warden had all along—though believing that

his position was legally tenable without it — been anxious to procure episcopal licence:—and, accordingly, in June, 1846, he had applied to the Patrons for leave to solicit it from the Bishop of Chichester.

The Patrons, however, were of opinion that such a proceeding was unnecessary, and could not be taken without injuring their rights and those of the College. The Warden, therefore, though his wishes remained the same, did not consider himself at liberty to carry them out; and he was the more disposed to acquiesce in the decision of the Patrons, from having discovered the following letter, addressed by the secretary of Dr. Buckner, then Bishop of Chichester, to Mr. Palmer, the late Warden.

Chichester, 18th January, 1814.

Sir,—The Bishop of Chichester has desired me to say in answer to your letter to his Lordship of the 3rd instant, that he does not consider your office of reading prayers in Sackville College to be subject to his episcopal jurisdiction.

I am, Sir, your obedient Servant,

(Signed) WILLIAM LEEVES.

In this state affairs remained for nearly eleven months;—the Services in the Chapel going on with the utmost regularity; and the whole tone of the Institution rising in consequence of the pains taken with it. On Michaelmas-day, 1846, the Earl and Countess De La Warr officially visited the College, dined in the Hall with the brethren and sisters, and attended evening prayers; and during the winter—a winter of remarkable severity—every attempt was made by the Warden to alleviate the distress of the poor, by inviting the largest possible number to the Sunday dinners at the College, by occasional doles of bread and beer in the College porch, and by placing

the Hall, and his own parlour, at the disposal of the Committee for the distribution of soup to the poor.

Towards Christmas, a Clergyman from the neighbourhood of London, Mr. H., came to reside in the neighbourhood of East Grinstead, but not in the parish, *nor in the Diocese*. He visited Sackville College at the beginning of February, and was, out of courtesy, allowed to see the Chapel:—after which he called on the Warden, and told him that he should feel it his duty to present its arrangements to the Bishop.* Mr. H. kept his word; and on the 8th of February, 1847, addressed a letter to the Bishop, which did not reach him till the 16th. After saying that he (Mr. H.) had visited Sackville College, he proceeded thus:—

“On looking further about me, I found the Vulgate Edition of the Scriptures, and a Roman Breviary. I should at once have concluded it to be a Roman Catholic Chapel, had I not found the English Bible,—though this was a Bible with notes.”

These charges will be explained presently;—here it is only necessary to remark that Mr. H. did not mention the fact that there were plenty of Prayer Books in the Chapel, besides one large one, on a lettern, and another on the Litany desk,—but he implies, and indeed more than implies, that there were no Prayer Books,—for he says that his only reason for not thinking the Chapel to be Roman Catholic, was that he saw an English Bible in it: whereas, surely the presence of Prayer Books in it must have been an equally good reason for the same belief. The addition, *though this was a Bible with notes*, could have no meaning, unless

* The arrangements, if by this term be meant additions to the original structure, being merely a wooden Cross on the rood-screen, and an Altar with Cross and Candlesticks such as are to be seen in several churches in the diocese of Chichester.

it were intended to raise a prejudice in the Bishop's mind, as if the Bible in question were not of the English version, or at all events had Roman Catholic notes. The logical sequence of the sentence requires this meaning.

The Bishop received the meaning that was intended ; and on the 13th of March wrote to Lord De La Warr, as one of the Patrons of the College. The following is an extract from this letter.

“I need only mention that a casual visitor at the College observed in that chapel a copy of the Latin Vulgate, and an English Bible with notes. Of this latter, the text *may* have been that of our authorized version : but the Roman Breviary was also found there : and this, together with the erection of a large cross on the screen justify the suspicion that this Bible may have been a copy of the Douay version, or of some other translation of a Romanistic character.”—

Here is Mr. H.'s inference put into words.

Lord De La Warr lost no time in requesting, as one of the visitors of the College, some explanations of these charges from the Warden.

It then appeared that a copy of the Vulgate was constantly kept in the Chapel, and was frequently used by the Warden, one of the brethren usually reading the lessons.

With respect to the Breviary, (whatever degree of blame was due if it had lain there for reference, and intentionally) it appeared that the Warden was then, and had been long occupied on a work treating of the Liturgies and other offices of the Eastern Church :— that his study was full of Liturgies and offices of all sorts both of East and West ; that the Breviary in question was frequently referred to by him ; that repairs at that time going on in the Chapel, he was

frequently in and out of that building: and it had thus accidentally been left by him there. At the same time the Warden protested very earnestly that, had the case been otherwise, he was no more to be blamed than if any other unauthorized book of Prayers or Hymns had been found in the Chapel: as, for example, the Selections of Hymns and the "Companion to the Altar," so very frequently found in parish churches.

As to the Bible, it was an old one purchased about 1790, by the then Warden, Mr. Knight; and furnished with "family notes" by the Rev. Thomas Bankes, without date, but dedicated to the then Bishop of Hereford, Lord James Beauclerk, and therefore published between 1746 and 1788. It is, of course, the authorized version; the notes are violently anti-Roman.

With this private explanation Lord De La Warr was satisfied: it soon appeared that the Bishop, to whom it was communicated, was not.

On the 14th of April, 1847, the Warden received the following letter from the Bishop of Chichester:—

Palace, Chichester, 12th April, 1847.

REVEREND SIR,—Having been informed that you have recently come to reside at Sackville College, in East Grinstead, I write to request that you will have the goodness to communicate with me, before you officiate, if it be your wish to officiate, in any church or chapel in this diocese.

I remain, Reverend Sir, your faithful Brother,

(Signed) A. T. CICESTR.

Rev. — Neale.

The Warden, in his reply, said, with respect to the above letter,—

"If it were intended, as I cannot but fear it was, as a mark of your lordship's displeasure, I am deeply grieved that you should have thought it necessary to pass such a censure on me:

though, as far as the matter of fact goes, I have very seldom officiated, and was not likely to officiate, in the diocese of Chichester."

And further on:—

"I should mention that, notwithstanding the exemption of this College, I was very anxious to have had your lordship's licence before entering on the duties of Warden; and this I thought might have been effected without compromising the rights of the Patrons: I twice (at least) mentioned the subject to LORD DE LA WARR:—and Mr. Sackville West's reply was, that the Patrons did not think the application for such a licence desirable."

To this letter the Bishop returned no answer, and thereby apparently acquiesced in the claim of exemption on the part of the College,—which indeed up to that time had never been disputed.

On the 7th of May, the Bishop held a confirmation in the parish church of East Grinstead. What passed on that occasion will be best related in an extract from a letter written the same day by the Warden to Lord De La Warr,—of the correctness of which three friends, present at the whole scene, expressed themselves satisfied.

"In the Vestry, before the Confirmation, the Bishop inquired whether I had any objection to his visiting the Chapel after service.

"I said, Certainly not.

"*Bishop.* I may tell you, that I may possibly be advised to inhibit your officiating in my Diocese.

"I said, Your lordship may undoubtedly do so. But that will have no effect on my officiating in the College Chapel.

"*Bishop.* That is the very question I wish to try: and such an inhibition will try it.

"I said, We of course claim exemption. Yet it is but fair to tell your lordship that it was my wish to have been licensed by you; and that I actually applied for that purpose to Lord De La Warr.

“ *Bishop.* I ought to say that I probably might not have been disposed to grant the licence. I could not, if the reports which I have heard of Romanistic proceedings in the College be true.

“ I said, The application, had I had my own way, would have been made to your lordship before a single change had been made in the Chapel.

“ After service, the Bishop walked down to the College . . . There were present the Bishop, Mr. Nevill, (the late Vicar of East Grinstead,) Mr. H., (the complainant,) the Bishop’s Chaplain, myself, and a London Clergyman, a friend of mine.

“ When we came into the Chapel, I said,—Now, my Lord, as Mr. H. has asserted that I used the Douay Bible,—there is the Bible,—your Lordship can examine it.*

“ *Bishop.* You are mistaken. I suggested that it might be the Douay Bible : Mr. H. simply said that it was not the authorised version.

“ I said, Then I misunderstood Lord De la Warr, my Lord. But if Mr. H. said that it was not the authorised version, he said what was contrary to fact.

“ The Bishop examined it.—This is the authorised version : but it has notes.

“ *Mr. H.* Yes, my Lord ; that was the reason why I mentioned it to your Lordship.

“ I said,—One question, Mr. H. Did you, or did you not, say that the Bible was not the authorised version ?

“ *Mr. H.* I said so,—because it has notes,—and the notes are not authorised.

“ I said,—That is quite enough. Your Lordship will see that the charge is false.

“ *Mr. H.* That was not the chief thing. I am sure!—to find a ‘Protestant’ Chapel thus ornamented, or to find a breviary in it—

“ *Bishop.* I am not here with visitatorial authority : if I were,—I should sweep away all that,—(pointing to the altar.)

* The unavoidable delay in the private circulation of this Statement, occasioned principally by the long and serious indisposition of the Bishop, enables the writer to mention in this place that his Lordship’s impression of the conversation at Sackville College differs in some degree from the account of it given above ; the discrepance, however, does not appear to be in the least material to the main point at issue.

“*Mr. H.* Flowers and all, my Lord.

“I said, The altar, my Lord ?

“*Bishop.* *I know nothing of Altars : the Church of England knows nothing of altars or sacrifices : I would retain a decent low table. I would not feed CHRIST’s little ones with the wood of the Cross.*

“I asked,—You would retain the table ?

“*Bishop.* I have said so already. But to be candid with you,—all that our Church does not authorise, she prohibits.—But, as I said, I have no visitatorial authority. *Ex parte loci*, that is, I have none : whether I have not *ex parte personæ* is a different question, and I shall take advice.”

The above conversation has been given with so much minuteness, because it formed the sole and entire ground of the subsequent proceedings against the College, as will be seen in the sequel.

The Bishop meanwhile, now on his tour of Confirmations, addressed the following inhibition to the Warden.

Frant Vicarage, 8th May, 1847.

REVEREND SIR,—I feel it to be my duty to inhibit you, and I do hereby inhibit you, from celebrating Divine Worship, and from the exercise of clerical functions in my Diocese.

I am, Reverend Sir, your well-wisher in CHRIST,

A. T. CICESTR.

The inhibition was accompanied with the following letter.

Frant Vicarage, 8th May, 1847.

REVEREND AND DEAR SIR,—I cannot transmit to you the following inhibition without adding a fervent prayer that God may be pleased to open your eyes to the dishonour done to Him by supposing that His spiritual service can be promoted by presenting to the eyes and thoughts of worshippers, the frippery with which you have transformed the simplicity of the Chapel at Sackville College, into an imitation of the degrading superstitions of an erroneous Church.

I remain, Reverend and Dear Sir, your faithful brother,

A. T. CICESTR.

Lord De La Warr, on being informed of what had passed on the 7th of May, and of the inhibition, thus replied.

Upper Grosvenor Street, May 11, 1847.

DEAR SIR,—I beg to acknowledge the receipt of your two letters, and to thank you for saving, as far as in you lies, the rights of the College. Into the general question between the Bishop and yourself, it would be obviously improper for me to enter at present.

Pray believe me, yours, most truly,
(Signed) DE LA WARR.

The question now was, What course was to be pursued? And after much consideration, it was determined that the Warden should carry on the services in the Chapel of Sackville College as usual, scrupulously abstaining from officiating either in the parish of East Grinstead, or in any other part of what was, confessedly, the Bishop's Diocese.

1. The Warden came to this conclusion under the impression that the Bishop did not expect that his inhibition would be obeyed as far as the Chapel of Sackville College was concerned; His Lordship having said, as the Warden believed, that an inhibition would try the right of exemption for the College.

This is made still plainer by the following extract from a letter written by the Bishop to Lord De La Warr, dated March 20, 1847:

“ I purpose writing to him,” (the Warden,) “ requesting that he will abstain from officiating in any church or chapel in my Diocese, *if he should be requested to give such assistance, until he shall previously have communicated with me.*”

Now it is clear that the Warden could not be “ requested to give assistance” in his own Chapel, and

therefore equally clear that the inhibition was not, at that time, intended to refer to that Chapel.

2. The Warden, when placed in his present position, was placed there with the full understanding that he was to defend its rights and privileges, in as full and complete a state as he had received them. It mattered not whether exemption were or were not undesirable, —were or were not an anomaly ;—a right of the College it was supposed to be, and the Warden, believing that right to have been invaded, thought it his duty to defend it.

3. If it be said that, the case being so, that the Warden could neither yield without betraying a trust, nor persevere without seeming to oppose the Bishop of Chichester, it was his duty to resign his office, the following facts should be taken into consideration. The Warden had been intrusted with the spiritual care of a number of persons, for whom he was responsible ; persons, not in the ordinary condition of parishioners, but (for the most part) with one foot in the grave ;—persons, to whom the ordinary means of grace in the parish church were, from infirmity and deafness, inaccessible ; persons who, if deserted by him, were left to their own resources in preparing for their own great change. It is not argued that these, or that any, considerations could make right a step in itself wrong : but simply that, where the whole question seemed to be one of expediency, such arguments may and ought to have, great weight in its decision.

4. It is to be assumed that the Bishop of Chichester wished for his simple right, and for nothing beyond it. But had the Warden observed the inhibition so far as regarded the College Chapel, what that right was could never have been known. The carrying on the services

in that building was therefore no more to be regarded as wilful disrespect towards the Bishop, than the institution of a friendly suit in a civil court, supposes hostility between the parties concerned in it.

In a few days, the Bishop wrote the following letter to the Churchwardens of East Grinstead.

Hastings, 12th May, 1847.

GENTLEMEN,—IN CONSEQUENCE OF WHAT I SAW IN THE CHAPEL OF SACKVILLE COLLEGE, I have felt it my duty to inhibit the Rev. J. M. Neale from celebrating Divine Worship, and from exercising clerical functions in my Diocese.

You have no jurisdiction or authority within the walls of that establishment. Nevertheless, you must have means *by inquiry*, if not, by reports *which, without inquiry*, may reach *you*, of learning whether Mr. Neale obeys the inhibition, or continues to officiate there; and you are the fittest persons to whom I can apply for such information.

I will be obliged to you then to inform me, by letter directed to me at Chichester, *if you hear of his doing so*: and to state the days and hours of the day when the offence was committed, if you are able to learn them.

It is important also to me to know whether, in past times, and especially since Mr. Neale officiated there,—the Chapel has been open at the hour of Divine Service to others besides the inmates of the Hospital;—whether any person who chose could walk in and be present.

I am, Gentlemen, your faithful Pastor and Servant,

A. T. CICESTR.

The first sentence showed what was the whole origin and ground of the inhibition, nowhere, however, to be found in the articles exhibited against the Warden, although obscurely hinted at by the Judge who tried the cause.

The Churchwardens waited on the Warden, to ask what they were to do. The Warden declined to reply

to any questions connected with the performance of Divine Worship in the Chapel, on the ground that the Bishop had himself said to them, "You have no authority or jurisdiction within the walls of that establishment." But, with regard to the other question, "whether any person who chose could walk in and be present" during prayers, Mr. Neale informed the Churchwardens — what they already knew — that strict orders had been issued to the contrary, and that these orders were very well known in the town.

One of the Churchwardens declined to reply to the Bishop's inquiries, on the ground of refusing to act as a spy:—the other, from a general principle of obedience to the Bishop, sent such particulars as he was able to collect.

Nothing further occurred *for five months*.

On the 14th of November, 1847, the Warden received intimation that articles were to be exhibited against him in the Court of Arches, (the cause being transferred thither by letters of request from the Bishop's own Court,) for administering the holy Sacrament, for preaching, and for publicly reading prayers, in a certain unconsecrated building commonly known as Sackville Chapel, notwithstanding an inhibition on the part of the Bishop of Chichester.

It is to be observed, that the office of Judge was not promoted by any of the inhabitants of East Grinstead, who might have been supposed interested in the case.

Legal advice being taken by the acting Patron, Lord De La Warr, and the Warden, it appeared that the administration of the holy Communion could not technically be defended;—that preaching was doubtful;—but that the reading of morning and evening prayers could not be an ecclesiastical offence, unless it

were *public*, i.e., open to all comers. This, it was evident, it never had been.

Pending the proceedings, Lord De La Warr had more than one interview with the Bishop, in which offers were made by him as the acting Patron, with the concurrence of the Warden, for the removal from the Chapel of such decorations as might be thought objectionable.*

The Bishop's answer was as follows.

2, Hyde Park Place, 23rd January, 1848.

MY DEAR LORD,—With much anxiety, and with every desire to stay my proceedings against Mr. Neale, if I could in any way come to a conclusion that I may do so consistently with my view of duty, I have thought over the proposal your Lordship made to me on Friday.

* Lest the warden should be supposed to have introduced any unusual decorations into the Chapel, the following extract from the Bishop's letter to Lord De La Warr, of March 20, 1847, is given.—“P.S. I advise the removal of the cross. That symbol has been allowed to remain on the outside of our churches, and even in them in places where there can be no danger of abuse. She (our Church,) does not recognize the lawfulness of using any material symbol anywhere (but in the two Sacraments as ordained) for the purpose of acting on the memory, or the thoughts, or feelings of those who worship in her Communion. She uses the sign of the cross in Baptism not in this manner, and carefully explains her use of it there. In the Homily against the peril of Idolatry, the worship of Images is distinctly affirmed to have grown out of the hazardous practice of employing them for such purposes. And in the third part of the Homily, wooden crosses are specifically mentioned. We may remember too that the cross has attained to the honours of Sainthood, in the Roman Calendar. I would again ask then, is this cross put up for no end? and no purpose? or, for such a purpose as is hinted above? In any case I advise its removal. Our Church recognizes no material helps to devotion.”

And in another letter;—

“When I entered the Chapel and saw the degrading character of Romanistic observances so decidedly exhibited, I felt it to be my duty by whatever power I might have, to stop Mr. Neale from continuing to debase the minds of these poor people with his spiritual haberdashery.”

When I state that my view is that I am bound to endeavour to effect the removal, or the silencing of Mr. Neale in my Diocese, if practicable, either immediately, or at no distant time, your Lordship will perceive that I cannot entertain a hope that the conference proposed between the legal advisers on either side will lead to a conclusion to which I could give my consent.

If such an issue as I have intimated could be contemplated, I would be far from objecting to its being accomplished through the Visitors ; but I could not reconcile myself to an arrangement which should stop short eventually of this result.

Believe me, my dear Lord, yours very faithfully,
The Earl De La Warr. A. T. CICESTR.

Lord De La Warr urged that, supposing the Bishop successful in every particular, the Warden would not thereby be removed ; that the only difference would be that the aged and infirm inmates of the College would be deprived of the daily ministrations of a Clergyman and of the weekly Communion : and, to several, access to the means of grace would be rendered well nigh impracticable.

The Bishop replied that he could not help the consequences : and the suit went on.

Two circumstances occurred, while preparations were making, which may not pass unnoticed.—The great difficulty with which the Bishop's lawyers had to contend, was the attempt to prove the prayers public. A gentleman attended from Chichester, sent privately for witnesses from the town, took down the names of the Warden's servants, inquired for the names of the servants of some relations who had been staying the previous summer at the College ; and, when there was a difficulty in finding the residence of a maid servant who had formerly lived in the Warden's family, the witness

was informed that the reason for all this anxiety in ascertaining where she resided arose from *her having come into a fortune!*

As it appears that proof could not thus be collected, another attempt was made. The Chapel of Sackville College has, at its west door, a curtain projecting inwards, and forming three sides of a square, for the purpose of keeping out the wind. Behind this curtain a stranger secreted himself during the beginning of evening prayers: and during the first lesson, endeavoured to slide quietly into the remotest and darkest seat. The Warden fortunately saw him, and gave orders that he should be requested to withdraw. Had he not so done, it might have been said that the prayers in the Chapel were public.

All preliminaries having been arranged, the Commission of inquiry was opened in the parish church of East Grinstead, on Monday, the 4th of April, 1848. To those who are not acquainted with the method of the Court of Arches, it may be proper to state, that a proctor attends on either side, and a sworn examiner. All the questions are by interrogatories, and written counter interrogatories; so that according to the system pursued by the Court, a real and *bona fide* cross-examination is impossible. The examination is quite private; and the answers only known when, having been fairly transcribed, they are communicated by the Examiner to the proctors on both sides. The great aim of the Bishop's proctor was to prove that strangers had been admitted into the Chapel, and that it was consequently public. The proctor had given notice that he would have four witnesses examined; he had a long private conversation with all these witnesses before they went into the examiner, and finding that one of the four

witnesses would not serve his turn, he would not allow her to be examined : and the usual method of proceeding admitted of no remedy for this.

On Saturday, June 3, 1848, the case was heard in the Court of Arches.

For the Warden, the Queen's Advocate and Dr. Bayford contended that Mr. Neale was bound by the Statutes of the College to read prayers morning and evening ; that these prayers were strictly private, as being confined to the inmates of the College, and such friends* as might be paying a visit to the Warden ; that on two occasions strangers had been actually turned out of chapel, and in many more, warned that they could not attend it ; that this prohibition was known in the town ; that with respect to the administration of the Holy Communion, it had been done without licence, because a licence was believed to be unnecessary ; that it could not be a crime in itself ; that preaching to such a congregation was not public preaching, but merely private exposition ; in itself praiseworthy and not ecclesiastically forbidden : that the notion of the exemption of the College, if a mistake, was not a mistake of Mr. Neale's, but had been believed and acted upon, for years ; that it would therefore be unjust to punish him for what was in itself laudable, and if technically wrong, technically wrong only from a mistake which came down to him by a tradition of two hundred and forty years, which

* It would not be difficult here to show, that the Bishop himself never considered such attendance in Chapel as public, any more than the attendance of Lord and Lady De La Warr and family, after a visit to the College, and a dinner in the hall, on Michaelmas Day, 1846 ; or even the attendance of the Children of the National School, when invited to a Christmas Party by the Warden—all which circumstances were well known to the Bishop.

was believed by the Patrons of the College, and maintained as a part of their rights.

For the Bishop, Dr. Addams and Dr. R. Phillimore contended that the Chapel of Sackville College could not be shown to be, according to the Seventy-first Canon, "dedicated and allowed according to the Ecclesiastical Laws of this realm;" the Holy Communion had nevertheless been celebrated, and sermons preached in it; the Charter was nothing to the Court; the praiseworthiness of the action was immaterial to the present inquiry.

The following is the judgment of Sir H. J. Fust:—

"The learned judge said, that the question was one not confined to Sackville College, but of general importance. He should like to have had some authority stated to him upon which the Court could rely, for saying that any Clergyman had a right to perform Divine offices, save to his own private family, without the licence of the Bishop. There was nothing to satisfy him that the inmates of this college formed one family establishment. There was, however, something in this case behind what appeared on the face of the papers. He collected it from an interrogatory address to one of the witnesses, who stated in reply that the parishioners of East Grinstead were composed of two parties, the high and the low Church; that by the former Mr. Neale was highly esteemed, and by the latter equally disliked. The Seventy-first Canon was conclusive on the point before him. There was no proof whatever that there was in this College any chapel dedicated and allowed by the Ecclesiastical law of the realm. Mr. Neale, according to the evidence, was the Warden of the College; but why the Court was not to have laid before it in the usual course of pleading the foundation of the College, and why Mr. Neale claimed to himself a right to officiate in spite of the Bishop, he (the learned judge) could not conjecture. In one sense the inmates of the college might be said to be under the same roof; they might have private apartments and a common dining table, but that would not constitute them a

private family. Occasionally other persons, certainly not very numerous, had been permitted to attend the chapel. Under what pretence had they been introduced? That of taking tea with Mr. Neale. It also appeared that the rev. gentleman administered the Sacrament three Sundays in every month; that he read the Litany on other occasions, and that he read prayers every Sunday afternoon. If this were not a private family, these ministrations must be regarded as public. Those persons who were stopping, as it was termed, with the rev. gentleman, might be considered as part of his household, but the performance of these Divine offices, not only without a licence from the Bishop, but against his positive injunctions, was in his (the learned judge's) opinion an ecclesiastical offence. What might be the motives of the Bishop he knew not, but doubtless his Lordship was justified in instituting the proceedings. Something might have turned on the production of the charter if it had been exhibited. It was said that the Warden was compelled to perform the duties; it appeared, however, that the predecessor of Mr. Neale was a layman, and that he read prayers twice a-week in conformity probably with the statutes. Mr. Neale was liable to ecclesiastical censure, but the Court would be satisfied with admonishing him to abstain from officiating in future without due authority, that authority being the licence of the Bishop. Mr. Neale must also be condemned in the costs of the proceedings."

By way of contrast to these proceedings, within ten miles of East Grinstead, and in the same Diocese, is a chapel in a very similar situation with that of Sackville College — itself unconsecrated, its Clergyman unlicensed, yet neither interfered with by the Bishop, and all the Services therein notoriously public.

Sackville College is, therefore, now left in a very anomalous condition. A Warden in holy orders, eager to carry out all the privileges of the Church in its daily prayers and weekly communions, yet unable to officiate in the College Chapel; poor people who have in some

degree learnt the value of those privileges, who are tottering on the verge of the grave, and are forced to content themselves with the morning and evening prayers, as read to them by one of their brethren;—sermons prohibited, though from deafness and infirmity the inmates of the College reap little benefit from those delivered in the parish church: the means of grace in the celebration of the Holy Communion withheld from them within the walls of their asylum.

And for what reasons?—The Bishop has already assigned them:—“In consequence of what I saw in the Chapel of Sackville College, I have felt it my duty to inhibit the Rev. J. M. Neale.” The reader will gather from the preceding statement, what the Bishop really did see, and will draw his own conclusions as to the comparative weight of the offence and of the punishment.

In the nine months which have elapsed since the above Statement was written, several attempts have been made to induce the Bishop to grant a licence to the Warden;—or at all events, to withdraw the inhibition, and allow matters to resume their old footing. The two following letters conclude the correspondence.

Sackville College, March 26, 1849.

MY LORD,—Holy Week now drawing on, a time in which above all others the poor people here have been accustomed to prayers and instructions, from which this year they will be debarred, I am induced to make one more appeal to your Lordship for them and for myself.

If in anything that I may before have written, I may either have inadvertently said what has given your Lordship offence,—or if I have been carried away by what seemed to me the necessity and the hardship of the case, to say more than I intended, or more than I ought, I earnestly hope that your Lordship will forgive it. I should be unworthy to be a Priest in our Church did I not severely feel the deprivation of the power of acting as one where I am placed: and, what I feel strongly, I may possibly have expressed too strongly. Your Lordship will, I am sure, and more especially at this time, forgive me if such has been the case: but above all things will not visit that fault of mine upon those amongst whom I am.

Every offer that I could imagine your Lordship could even wish, has been by Lord De La Warr and myself already made. I have nothing more in that respect which I can do. I can but say again, that every arrangement of which your Lordship might disapprove should—so far as I am concerned—be altered. I can but again protest that there is no one, in the whole Church of England, more faithful to her than I am: no one to whom it would be more impossible to desert her for Rome. Why am I not to be believed, when I assert this? which I do most strongly, and as in the presence of God. I may safely challenge any one to show a single passage I have ever written which looks Rome-wards; while I can point to many and many intended to satisfy the doubting as to the claims of the English Church. Your Lordship will allow that the *Dublin Review* ought to be a good judge of what has a tendency to Rome. In reviewing the first two volumes of my “History of the Eastern Church,” they say, of one account:—“It can only be explained on the hypothesis of strong prepossessions against Rome.” And of another, that “it presents more decided indications of a partizan spirit, and a greater leaning to the anti-Roman side than any other portion of these volumes;” and so through the whole review, which is of some thirty pages.

My Lord, all we ask is, that the suspension may be withdrawn as far as regards the College. We ask for no formal removal, only for a tacit allowance. I have neither time, strength, nor wish (except so far as the removal of a mark of disapprobation must

necessarily be pleasing), to officiate elsewhere in the diocese. But in this place, to be able to officiate, there is nothing right, nothing allowable, that I would not say and do,—no trouble that I would not willingly take. Your Lordship speaks of interference in another man's parish. Surely, if the Vicar does not feel the intrusion, there can be none. I am now taking the very lowest grounds, and I am very much mistaken if,—did the decision rest with him,—it would not be in my favour. Nothing is further from my wish than to interfere with him; as he, I am sure, would be the first to confess. When he has been willing to accept my services, he has had them, and shall have them.

In conclusion, I would entreat your Lordship to reconsider a case which you owned to Lord De La Warr “seemed a hard one.” I appeal to your Lordship's generosity, because the power is entirely on your side: to your Lordship's sense of justice, because a year's suspension is considered sufficient punishment for very flagrant offences: to your Lordship's dealings in similar cases, for few Clergymen coming for institution could produce higher testimonials than those which Lord De La Warr submitted to you: and lastly, if your Lordship has felt hurt, or has been injured, either by the lawsuit, or by any behaviour of mine,—to your remembrance of Him, Who at this time set us an example of forgiving: and on all these grounds I ask your Lordship, as earnestly as a man ever asked anything, to allow me, on what conditions you please, to officiate in this place, (I say nothing of the diocese in general,) it being clearly in your Lordship's power at any moment, to withdraw that permission, and to restore the present state of things.

I remain, my Lord,

Your Lordship's obedient and faithful Servant,

J. M. NEALE.

43, Queen Anne St., 28 March, 1849.

REVEREND SIR,—In reply to your letter received this morning, I beg to say that I never have alleged that you have given me any offence, and that I should hope I have neither said, or done anything which should lead to the conclusion that I have been influenced by any such motive. With respect to the request now again proffered by you, nothing has occurred in the interval since my last reply to alter the position in which, respectively, we are placed ; neither do I think the situation of the inmates of the Hospital a ground on which to cail upon me to take the step you propose.

I remain, Reverend Sir, Your faithful brother,
A. T. CICESTR.

Rev. J. M. Neale.







